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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,842	04/25/2001	Mark Stumne	6967.01	5820

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EXAMINER

KRAMER, JAMES A

ART UNIT PAPER NUMBER

3627

DATE MAILED: 07/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,842

Applicant(s)

STUMNE ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 and 27-65 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 and 27-65 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, Examiner notes Applicant's amendment renders the claims confusing. It is unclear how or why one would search for and select a vendor after they have already received an invoice from that vendor, as it would seem that the selection process would have to come before a vendor submits an invoice. Amended claims 19 and 48 seem to support Examiner's position as the searching and selecting come before the invoice.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-24 and 27-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. in view of admitted prior art.

Jones et al. teaches an integrated emergency medical transportation database system. The system includes a dispatch computer that communicates with software for collecting information on a patient encounter and scheduling and deploying a crew to assist the injured patient

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(receiving incident information from an operator and selecting a vendor from a database based on the incident information) (column 4; lines 47-54).

Jones et al. further teaches the emergency medical team (vendors) utilizing a portable computer with wireless connection to server computer (contacting vendor to provide vendor with at least a portion of the incident information and obtain vendor information) (column 4; line 57 – column 5; line 6).

Jones et al. teaches the medical database system includes a billing computer to provide reports and bills to hospitals, patients and medical centers (column 5; lines 16-18). Additionally billing can be submitted electronically to the appropriate party in an appropriate format which reduces the accounts receivable times for each patient encounter (column 3; lines 54-56).

(generating bill, automatically or by request based on invoice and incident information and transmitting bill to the customer.) Jones et al. teaches automatically generating follow up letters (column 3; lines 55-58) (creating an automatic reminder to be displayed at a designated time).

Examiner notes that the system of Jones et al. teaches a constant connection between the medical database system and the medical staff (vendors), as such the information constantly supplied by the medical staff (vendors) and used by the billing computer to provide reports and bills constitutes the system receiving invoice information. In addition as the billing computer is not located locally to the medical database Examiner notes that this constitutes sending invoice information to an external payment site.

Jones et al. teaches the server computer linked to a statistical database and a regional trauma database for generating statistical reports on incident information (column 4; lines 33-46)

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(searching for specific incident information, recording and storing any communication related incident information, accessing computer parameter information, accessing asset information

Jones et al. teaches inputting and updating patient information (column 7; lines 22-30), incident information (column 7; lines 34 - 40) and equipment information (column 8; lines 19 - 27) (accessing and updating customer parameter data, accessing and updating asset information).

Jones et al. teaches a billing module that performs verification of the information before generating a bill (reference figure 10A & 10B for flow chart of the billing module).

Jones et al. does not teach a roadside assistance system. The common knowledge or well-known in the art statement made by the Examiner in the Office Action mailed 11/7/03 is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of Official Notice or the traverse was inadequate (MPEP2144.03(C)). Specifically, it is now admitted prior art to capture roadside assistance information in order to collect and process roadside assistance information and generate a bill. Therefore, since the system of Jones et al. solves the same problem as Applicant's invention, specifically the collection and processing of information in order to generate a bill, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Jones et al. to capture roadside assistance information in order to collect and process roadside assistance information and generate a bill. Examiner notes that it is a mere design choice to utilize the system of Jones et al. for emergency medical transportation and thus could be easily utilize for the roadside assistance.

Jones et al. does not teach selecting an emergency medical crew (vendor) based on city/state limitation or location and radius limitation. The common knowledge or well-known in the art statement made by the Examiner in the Office Action mailed 11/7/03 is taken to be

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admitted prior art because applicant either failed to traverse the examiner's assertion of Official Notice or the traverse was inadequate (MPEP2144.03(C)). Specifically, it is now admitted prior art that dispatch modules utilize both city/state limitation and location and radius limitations in determining which emergency medical crew (vendor) to send to an accident site in order to get the crew there as fast as possible. Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the dispatch module of Jones et al. to select an emergency medical crew (vendor) based on either city/state limitation or location and radius limitations in order to get the crew to the accident as soon as possible.

Response to Arguments

Applicant's arguments filed 4/22/04 have been fully considered but they are not persuasive. Applicant asserts that Jones fails to teach or disclose a system or method of managing an emergency assistance system that searches for and selects a desired vendor based on incident information. Examiner disagrees. Jones teaches based on the scene location and needs of the patient, the dispatch center might deploy a helicopter, airplane or ambulance (column 4; lines 55-57). Examiner notes that based on the broadest, reasonable interpretation of Applicant's claims this teaching meets the limitation of selecting a desired vendor (helicopter, airplane or ambulance) based on incident information (the scene location and needs of the patient).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

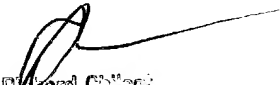
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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Richard Chilcot
~~Senior Patent Examiner~~
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James A. Kramer
Examiner
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